

**TOWN OF DUCK  
MUNICIPAL PROPERTY MASTER PLAN ADVISORY COMMITTEE MEETING  
June 10, 2014**

The Municipal Property Master Plan Advisory Committee for the Town of Duck convened at the Duck Municipal Offices at 10:30 a.m. on Tuesday, June 10, 2014.

**MEMBERS PRESENT:** Chairman Paul Keller; Avery Harrison; Tim McKeithan; Charlie Pratt; Ben Vorndran; and Town Manager Christopher Layton.

**MEMBERS ABSENT:** None.

**OTHERS PRESENT:** Public Information Officer Denise Walsh; Fire Chief Donna Black; Police First Sergeant Jeff Ackerman; and Town Clerk Lori Kopec.

**OTHERS ABSENT:** Police Chief Phillip Ferguson.

Chairman Keller called the meeting to order at 10:37 a.m.

**APPROVAL OF JANUARY 11, 2012 MINUTES**

Chairman Keller had a correction to Page 1 of the minutes.

Tim McKeithan moved to approve the January 11, 2012 minutes as amended. Avery Harrison seconded.

Motion approved 5-0.

**DISCUSSION OF USAGE POLICIES RELATED TO OUTDOOR FACILITIES**

Chairman Keller stated that recently the Town has received requests to accommodate larger events, such as concerts and festivals for non-profit groups. He stated that this would be the crux of the meeting. Town Manager Layton agreed. Chairman Keller asked if there were other issues with the existing facility use policy. Town Manager Layton thought it was working really well. He stated that the only issues were issues with unauthorized use of the audio-visual equipment, but overall it has worked very well. He stated that Town staff receives a lot of requests for the same times and have to accommodate the groups the best staff can. He noted that Town Clerk Kopec has done a good job at getting everyone reserved for the conference rooms, but added that there have been occasional issues with parking, such as people parking on the gazebo stage. He stated that the only other issue was people signing up for a meeting that would start at a pre-determined time and they would show up a half hour earlier and expect to be let in at the earlier time. He stated that staff has made it clear that the groups need to give the correct time when they sign up.

Town Manager Layton stated that there have not been any requests for for-profit groups, but he has had several loosely related Town groups that have used the facilities. He stated that Director Garman had a training recently; the Police Department have held several trainings; and there have been some CAMA trainings. He stated that there have not been any requests from groups such as Alcoholics Anonymous or wedding requests.

Chairman Keller clarified that Town Manager Layton did not see a need to make any changes to the existing facility use policy. Town Manager Layton stated he was correct. He thought it has worked well so far.

Charlie Pratt stated that it seemed like the facilities were well used and stayed busy. Town Manager Layton stated he was correct. Avery Harrison clarified that they were used mainly in the fall and spring. Town Manager Layton stated she was correct. He stated that the HOA meetings were usually held at similar times. He added that they were spread out but there was a specific core group that held theirs at specific times, which is where the issue comes in because a lot of them want to use the facilities and sometimes the Town cannot accommodate all of them. Charlie Pratt asked how many HOAs have used the facilities in the past year. Town Clerk Kopec thought there were a total of four. Avery Harrison clarified that they were big groups. Town Clerk Kopec stated that not all of them were. Town Manager Layton thought there were more than four in the past year. He asked how many used the facilities in a full year. Town Clerk Kopec thought there were approximately 10 HOAs that used them. She noted that the most popular day was the day before the Jazz Festival. Town Manager Layton stated that staff tries to accommodate the HOA groups, but the day before the Jazz Festival can be hard due to the preparations.

Tim McKeithan noted that it can be hard to entice homeowners to come to Duck in October. Town Manager Layton agreed, adding that he attended two HOA meetings the day before the Jazz Festival.

Charlie Pratt asked if there was a way to keep the audio/visual equipment secure in the Meeting Hall. Town Manager Layton stated that the Town was working on completing some improvements with the equipment and hoped to make it more secure. Avery Harrison asked if clean up after the meetings have been an issue. Town Manager Layton stated that it has not.

Charlie Pratt asked if the Facility Use Policy has a change in it that addresses set up time for meetings. Town Manager Layton stated that it has not been changed, but staff has been talking to those that wish to use the facilities to make them aware that they have to indicate whether they need the extra time for set up. Charlie Pratt asked if it was clear on the Use Policy. Town Manager Layton thought it was. Avery Harrison thought it was addressed when the HOA submits the form. Town Manager Layton agreed. Ben Vorndran asked if there was clause in the policy that allows the Town Manager to shut the meeting down. Town Manager Layton stated that there was, but it hasn't had to be implemented.

Town Manager Layton stated that Public Information Officer Walsh and the Wall Décor Committee have been doing a lot of work with programming the first floor conference room. He stated that the room receives more activity due to the art shows. He stated that, rather than canceling some of the outdoor shows due to inclement weather, the events have been moved into the Meeting Hall, which has worked very well.

Town Manager Layton stated that the next phase was for the Committee to have a discussion on how the Town could craft something to meet the needs of outside groups that wish to use the Town green, gazebo, amphitheater and picnic shelter. He explained that the current policy was that they could be used on a first come first serve basis. He stated that in the past, there have been weddings held that met the criteria of not closing anything off; two funerals in the amphitheater; and the Duck United Methodist Church held an Easter egg hunt on the green. He noted that the Church sends him a letter each year to let him know what will be done and he responds with what the rules were for using the green.

Town Manager Layton stated that Town staff has received some vague inquiries on having a festival or concert on the green that were typically related to groups such as Walk of Life. He added that the biggest event that has spurred the discussion came in earlier in the year. Public Information Officer Walsh stated that a couple of non-profits wanted to hold an Earth Day celebration on April 22, 2014. She added that they did not have it formulated as to what it would entail, but that it would be a fundraising event with live music, vendors, and selling items on the green. She stated that she was concerned because it wasn't formulated as to how they wanted to do the event. She added that the vendors were everything from businesses selling things to alcohol sales. She stated that she asked the group how it was a fundraiser and was told that it would be more of yoga lessons leading into the vendor sales and a band. She noted that Town events end before dark since there isn't any lighting available and the timing was pretty short in terms of it being a successful event.

Town Manager Layton stated that one of the key things was that the event would not be one where the Town would have a monitor for something that big, adding that Town staff would need to get involved. He stated that it was large enough that Town staff would need to be involved and thought if staff was involved; it should be a Town event. He noted that staff time is valuable and this event was a concern.

Public Information Officer Walsh stated that she was the director of a non-profit in Greenville and did over 43 events a year and partnered with the City of Greenville. She stated that she went through many months of research on how other communities used city-owned space for private groups to use. She stated that she also dealt with some poorly planned events that the public thought the City of Greenville put on. Town Manager Layton stated that if an event was held on the Town green, people would think the Town would be putting it on. Public Information Officer Walsh noted that it could be a good thing if the event was well planned. She stated that she became concerned when the group did not know what their plans were.

Public Information Officer Walsh noted that the existing Facility Use Policy did not apply to the amphitheater or Town green, but if it was a well-planned event, it could help the Town since a lot of the businesses want to see more events. She added that if the Town could partner with other organizations to do some of the events, it would be a benefit. Town Manager Layton stated if there could be events that the Town would not host, it would be great for the community, even though it doesn't absolve the Town of its responsibility.

Town Manager Layton stated that he could envision a policy that if an event reaches a certain level, that they would partner with the Town to hold it. Avery Harrison clarified that it would exist if the event were to have vendors. Town Manager Layton stated she was correct. He added that he wasn't sure what the threshold would be. He stated that the organizers would need to come to the Town to see if the Town was interested in partnering with them on the event, which was different than a use policy.

Ben Vorndran clarified that some of the key items were security and alcohol. He added that there presently was nothing stopping people from using the green or amphitheater. Town Manager Layton stated he was correct and added that if someone came in and started setting up speakers and tents, Town staff would shut them down. He stated that if a group shows up in the picnic shelter to hold a picnic, Town staff would not shut that down as long as they weren't breaking any rules. Ben Vorndran asked if someone could go to the park and set up tents. Public Information Officer Walsh stated that tents were not allowed on the green. Ben Vorndran asked if a group could set up an event. Town Manager Layton stated that, theoretically, someone could

set up something, such as an acoustic singer, and they could sing to a crowd and Town staff may or may not shut it down. Ben Vorndran thought to help Town staff with the decision process; the application would need to be done first. Public Information Officer Walsh thought rules needed to be established as to what should be allowed. Town Manager Layton agreed, adding that the Committee should have a discussion on what would be appropriate uses that would be good for the community. Ben Vorndran stated that Bike Week has become popular recently, adding that it would be hard to regulate with regard to alcohol and security. Town Manager Layton stated that he has not received any requests for Bike Week that wasn't tied to some type of charity. He added that he received an inquiry a few years ago from Carolina Designs where they wanted to use the green, but it fell through.

Chairman Keller asked if Town staff received any out of state requests. Town Manager Layton stated that he had not. Chairman Keller asked if any of the colleges or universities contacted the Town to hold something. Town Manager Layton stated that none had.

Tim McKeithan thought the Town was lucky that there was new activity at the Outer Banks Event Site in Nags Head. He added that it was geared toward bigger events. He stated that many of the things the Committee was discussing may be more appropriate there instead of in Town as they were set up for larger events. Town Manager Layton agreed, adding that it was always set up for that purpose, whereas the Town's facilities were not. Tim McKeithan wasn't sure if the Town of Nags Head dealt with the same issues. Town Manager Layton thought it was different because the Town of Nags Head's Town Hall was not on the site. He stated that Duck's was set up as a Town green that was connected to the Town.

Avery Harrison asked if the Earth Day celebration was the only event that raised eyebrows for the Town. Town Manager Layton stated that it was the one that has gone the furthest. He stated that staff kept asking them to respond to various questions before a definitive answer could be given, but everything kept changing on their part. Avery Harrison thought they weren't organized. Town Manager Layton agreed, adding that the less organized they were, the easier it was for him to say no to the event. He added that it also concerned staff regarding what ground they were standing on with the event since there wasn't a policy in effect.

Avery Harrison asked what the Committee's next step was. Town Manager Layton wasn't sure if there was more discussion to be had as to what they thought was appropriate. Charlie Pratt thought the size of the event was a big factor; the organization or game plan from the people wanting to hold the event was another factor.

Fire Chief Black thought the question was if the Committee wanted to allow these type of events at all. Avery Harrison agreed, adding that if they did then they could discuss the criteria. Fire Chief Black stated that Town staff would be burdened by the bigger events as well as it affecting the level of work of Town staff. Ben Vorndran suggested setting a number as to the number of people that would be allowed at an event. Town Manager Layton stated that large events, such as the Jazz Festival, have volunteer coordination because it's so large. Ben Vorndran agreed. He asked if the Town had the responsibility to have the Police show up to the event. Town Manager Layton thought if it was a large event, the Town had a responsibility to have Police there.

Avery Harrison asked if the event coordinators would partner with the Town for larger events. Chairman Keller thought the answer would be different between tourist season and non-tourist season. He added that large events would not be held during tourist season. Town Manager Layton didn't think it would need to be done.

Tim McKeithan noted that some events were for profit with the sale of tickets. He added that they were not open to the public and thought it was different than what the Committee had been discussing. Town Manager Layton agreed. He stated that if a ticketed event was held in the off season and would bring in thousands of people to Duck, staff would probably consider allowing the event. He stated that if there was a turnkey operation where staff felt comfortable with the people and it was a large event, staff would have to be involved. He stated that if a group such as Walk for Life wanted to have an event and wanted to use the Town green with 100 people in the park with some minor items, he would probably consider allowing it. He didn't think it was something that could not be accommodated now at the park.

Fire Chief Black asked what the expectation would be for Town staff. Town Manager Layton stated that, for an event like Walk for Life, he would want to have a responsible contact person; he would want the public restrooms open, and have the Police check on them. He added that the group would be required to dispose of their trash after the event ended. Avery Harrison clarified that booths would not be permitted or a staff person on site. Town Manager Layton stated that it would be on a case by case basis. He stated that the question was if the Town wanted to have that subjectivity. Ben Vorndran noted that the only restrooms open to the public were the ones in Town Hall during daytime hours. Town Manager Layton stated that he could extend the hours for the restrooms. He thought it came down to dealing with requests for larger events as the smaller events have been easy to deal with and have not caused any problems. He thought it may be as simple as revising the Facility Use Policy and putting something in it regarding events of a certain scale having a separate application process. He added that criteria would be added and that the group would be looking to partner with the Town on anything significant. He stated that if Town staff didn't think it would be a benefit, then it wouldn't partner with the group.

Fire Chief Black clarified that if the event was not partnered with the Town, it would be something that the Town green would be closed for. Town Manager Layton stated that the Committee would need to discuss it. Public Information Officer Walsh thought by establishing criteria for a self-contained event, it would be less of a priority than ones that would benefit the businesses in Duck. Town Manager Layton stated that if the Duck Merchants Association wanted to have an art show on the Town green, it may or may not be something that the Town would partner with, even though there would be a lot of interaction with it.

Public Information Officer Walsh noted that the vendor aspect was something that the Town needed to be sensitive about, especially if it was outside businesses that may be competing with the business in Duck. She thought it was something the Committee and Town staff needed to be mindful of. Avery Harrison agreed. Fire Chief Black stated that the Jazz Festival only used Duck restaurants. Public Information Officer Walsh agreed. She thought it should be part of the criteria. She stated that she would like the policy to have the rules, the policy, the application – which would have to be submitted by a certain time – and then Town staff could determine if the Town should partner with the group or not. She added that it could be backed up with the criteria to determine if the event would fit within the scope of what the Town wants.

Tim McKeithan thought it would help to decide if an event reaches a point that the Town would need to partner. He added that one criteria of the Town would be to determine if the event was good for the community. Avery Harrison agreed. Town Manager Layton agreed and felt it was a good way to look at it.

Chairman Keller asked Town Manager Layton if he expected to have a legal document in most cases where the Town would be partnering an event. Town Manager Layton thought there would be some kind of documentation. He added that the legal documents would be limited to

insurance. Public Information Officer Walsh thought there could be a Memorandum of Understanding. Town Manager Layton agreed. Ben Vorndran asked what the benefits would be with partnering. He asked if it was to have the ability for the Town to say no to an event. He further asked what the advantages were with partnering. Public Information Office Walsh thought it would have a staff member at the table to understand the planning and communication and to make sure it was a well-planned and well promoted event. She added that the recognition of the Town's investment would go into helping carry out a great event. She thought the benefit would be that the group would take care of logistics instead of Town staff doing it. Ben Vorndran clarified that the Town's responsibility would be just the application process. Public Information Officer Walsh thought the group would fill out an application initially or come to staff or Town staff could approach a group and let them know that their event would fit well in the Town. She added that some of the issues could be waived if the Town was partnering in the event.

Town Manager Layton thought that what the Town was looking at with regard to partnering was if staff felt like it was filling a niche in the community as well as fulfilling the objectives and values of the Town. He added that in the off-season, it would be value added, plus bringing recognition and people to the Town to help the businesses. Ben Vorndran asked if there was enough Town staff to handle these types of events. Town Manager Layton stated that it may be as simple as setting up a policy where Town staff would not consider any major events that did not go through an application process and Town staff did not feel comfortable partnering. He added that any event of a major size would be something the Town would want to consider partnering with, which was a whole different evaluation process.

Town Manager Layton stated that between the months of June and end of August, Town staff would not consider any events that weren't Town sponsored. He added that the events in question would be during the off season; however, it didn't preclude an event happening during the summer months. Avery Harrison thought there could be some kind of clause in there. Town Manager Layton thought it could be handled by policy and would be a staff function. He stated that any partnering would need to be approved by Council if it was a large event.

Chairman Keller asked if Town Manager Layton expected to put the new element in the Facility Use Policy as a separate document or incorporate it into the existing one. Town Manager Layton stated that he originally planned to have it as a separate document, but thought it could be incorporated in the existing Policy. He added that there could be a different form used.

Tim McKeithan noted that in the existing ordinance, it dealt with the Town park, boardwalk, etc. He added that Section N – Special Events – precluded any special events during the summer time. He suggested adding the following language: "...and it's deemed that it's for the good for the overall community and the Town will partner with it..." instead of creating a new document for the new uses. Town Manager Layton thought it may be a simple solution.

Ben Vorndran clarified that Town Manager Layton would be writing the request. Tim McKeithan didn't think he would. Mr. Vorndran stated that the ordinance stated: "...may be requested in writing from the Town Manager..." Town Manager Layton stated that the party would write to him and he would make the judgment call. Tim McKeithan suggested putting in some simple statements regarding more criteria into what a special event might entail, how it would be considered, and that it would have to be an event that would be in partnership with the Town. Town Manager Layton added that he could develop the criteria in the form of an application. Tim McKeithan thought that a form could be added. Town Manager Layton agreed, adding that the Facility Use Policy could be revised to reference the ordinance. He stated that the

new language would be put into the existing Facility Use Policy so it would cross reference the ordinance. He thought it was a good way to go about it. Chairman Keller agreed.

Chairman Keller asked if the Policy would be revised regarding the southern end of the boardwalk. Town Manager Layton stated that it would. Public Information Officer Walsh asked if the timeframe of November 1 – May 1 was good or if it should be extended to the end of May. Town Manager Layton thought it could be altered. He noted that these would be special events not associated with Town activities. He stated that most of the inquiries received were for the spring and not the fall months. Ben Vorndran thought it would be nice to see more events in the spring and fall to bring more money to the businesses. Town Manger Layton agreed, adding that it met the values of the Town. He stated that staff could work on a draft of the changes for the Committee to review to make sure all of the key points were covered.

Charlie Pratt stated that applications have been received that Town staff was not comfortable with. He stated that staff feels they have to say no to some of them, but didn't have anything concrete to back the Town up regarding the events. Town Manager Layton agreed. Charlie Pratt asked if there was something that could be done, such as having a clause put in the Facility Use Policy that if the Town feels the event meets the criteria, the applicant would have to have liability insurance. Town Manager Layton thought it could be in the Policy. He added that the Facility Use Policy talks of a release and indemnity. He thought he could repeat some of the language in the new policy. Charlie Pratt asked if there were other deterrents that could be added. Ben Vorndran thought the size of the event could be one. Town Manager Layton stated that size was hard to define. He thought cost was a big deterrent. He stated that it could be in the policy that in addition to the indemnity insurance, security would be needed, port-o-johns would be required and other items to deter certain events.

Fire Chief Black noted that Police and Fire weigh in on the Duck and Wine Festival with regard to comments and concerns. She asked if it could be the same for outdoor events. Town Manager Layton stated that it could be part of the review process.

Charlie Pratt asked Town Manager Layton if he had enough information to move forward. Town Manager Layton stated that he did. Chairman Keller clarified that the new policy needed to be complete by November. Town Manager Layton stated that there was no rush.

It was *consensus* of the Committee to hold their next meeting on Tuesday, July 15, 2014 at 3:00 p.m.

### ADJOURNMENT

There being no further discussion, Avery Harrison moved to adjourn the meeting. Tim McKeithan seconded.

There was no vote.

The time was 12:10 p.m.

  
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Lori Kopec, Town Clerk

